

MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD

MEETING MINUTES March 7, 2008

***** APPROVED *****

Members Present:

Candace Cowling
Jerry Dorsey, IV
Princella Graham
Honorable Edward Sosnick, Acting Chair

Staff Present:

Phiang Aldrich
Debi Cain, Executive Director
Celestine Colton
Deb Felder-Smith
Julie Giddings

Shelia Hankins
Sarah Heuser
Josie Jubb, Board Secretary
Mary Lovik
Karen Porter

Guests:

David Garvin, BISCMI
Kelly Grunewald, Eaton County Prosecuting Attorney's Office
Kathy Hagenian, MCADSV
Melissa Horste, US Senator Carl Levin's Office
Melissa Limon-Flegler, MCADSV
Emma Peterson, YWCA/Interim House Metro Detroit
Herb Tanner, PAAM

Welcome and Introductions

Judge Krause is unable to attend today's meeting and requested that Judge Sosnick Chair today's meeting in her stead. Acting Chair E. Sosnick convened the March 7, 2008 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the DHS, Grand Tower Building in Lansing, MI, at 10:15 a.m. Introductions were made and a welcome extended to guests.

BOARD CONSENT

Review of agenda; approval of November 16, 2007 Board meeting minutes.

MOTION: Moved by J. Dorsey to approve the March 7, 2008 agenda and to approve the November 16, 2007 meeting minutes. Seconded by P. Graham. Motion carried.

CHAIR'S REPORT

E. Sosnick noted that MDVPTB has gotten approval to replace prior staff attorney Carol Hackett Garagiola. A special thank you to Stanley Stewart, DHS Chief Deputy, for facilitating this.

E. Sosnick noted the article "Domestic Violence – A Family Law Matter" in the March, 2008 edition of the Michigan Family Law Journal, and recommended that staff write a letter from the Board in response, providing an update on the Board's activities in response to Domestic Violence.

C. Cowling was going to give a presentation today about Policy Governance but will be postponed until the June Board meeting.

MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE

The Governance Process and Policy Review

Executive Limitations:

Communication and Counsel to the Board

The Board reviewed and approved D. Cain's Communication and Counsel to the Board report.

MOTION: Moved by P. Graham to accept the Communication and Counsel to the Board report. Seconded by C. Cowling. Motion carried.

Governance Process:

Committee Principles; Committee Structure

The Board reviewed the policies. No motion required.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

2008 is the Board's 30th Anniversary!! We should begin work if the Board is going to have anything special planned. D. Cain recommended that October be the celebratory month as Domestic Violence Awareness month. One suggestion was to give a Susan Mills Peak Award (last given out at the 25th anniversary). P. Graham, D. Cain, S. Heuser and E. Sosnick will set up a conference call to discuss this further.

D. Cain updated the Board on fiscal issues as there have been changes in the current year and proposed fiscal year 2009. The RPS \$2.6 million doesn't begin to cover the entire amount needed for the whole state and the amount is far less than what is needed for services. D. Cain, Mary Keefe and Kathy Hagenian (MCADSV) met with Stanley Stewart and discussed other possibilities of sexual assault funding that could be tied into the intersection of sexual assault and poverty.

Currently the RPS dollars come from several sources and are combined for the \$2.6 million total appropriation. The \$1.5 million that was previously TANF money was switched over to surplus dollars in the Crime Victims Compensation fund. I requested of S. Stewart that the dollars be returned to TANF if possible.

Additionally, the RPE dollars that DCH contributes to the \$2.6 million total has been reduced from \$660,000 in 2004-2006 to \$605,000 in 2007 to \$513,000 in 2008. DCH has further indicated a desire to shift their focus on the use of the RPE money and to no longer divide the grant with us; discussion on this is continuing between DCH, MDVPTB/DHS and MCADSV.

DV comp grants also incorporate several sources of funding. DMB has recommended that \$1,040,000 of the state general fund dollars be replaced by Compulsive Gaming Prevention Fund (CGPF) dollars. Both D. Cain and M. Lovik have researched the CGPF but it is complicated and given a lack of knowledge of these funds, difficult to anticipate the long-term effects of such a transfer.

C. Cowling has asked for bullet points of what, why and how dollars end up saving in the long run and what differences can be made. D. Cain indicated that she will forward a packet of information to the Board.

January and February have been busy with most of our OVW grant applications due.

Staff applied for a round 3 GTEA renewal. We are asking for continuation of the dollars that go to the Attorney General's office. We fund 3 full time prosecutors in 3 consortiums. This has been a very successful project. We are asking to add another (4th) prosecutor. All involved have done a tremendous job on this project and we're hopeful this will be renewed. A portion of the dollars would also go to MSP.

Shelia Hankin's assisted Wayne County in writing a Safe Havens Supervised Visitation application to OVW. Kudos to Shelia for her excellent work in Wayne County.

A Rural Grant application has been submitted to OVW on behalf of Michigan's rural domestic and sexual violence programs.

We continue to work on VAWA III compliance certification issues. SCAO was a tremendous help in revising forms that assure Firearm compliance. We have until January 2009 to get into compliance with the sexual assault forensic exams. MDVPTB applied for a TA grant for assistance with our state compliance but were not selected as one of the three national sites. D. Cain, however, has been added to the Federal Task Force by OVW. Staff G. Krieger and S. Heuser are hard at work coordinating this compliance issue. The final compliance issue pertains to HB 5984 which is currently awaiting a hearing by the Senate Families Committee.

Legislative Review

M. Lovik reviewed HB-4914-4918. These bills would amend various acts to create two new crimes regarding human trafficking, include human trafficking as a predicate offense for a crime of racketeering, provide for forfeiture of property involved in human trafficking offenses, and require persons convicted of a human trafficking offense to pay restitution to victims.

MOTION: Moved by P. Graham that the Board support HB 4914-4918. Seconded by C. Cowling. Motion carried.

M. Lovik reported on HB5433. This bill would impose on premises possessors a broader scope of liability than is currently allowed by the Michigan Supreme Court in *MacDonald v PKT, Inc.*, 464 Mich 322 (2001), insofar as it would permit a fact finder to consider whether a criminal act that is the subject of a tort suit was

reasonably foreseeable to the possessor in light of prior similar criminal acts that have occurred on the premises. No position was taken on this bill at this time.

M. Lovik reported on HB5598. This bill seeks to amend the child custody act to regulate placement of pets in situations where this is disputed by the parties to an action for divorce, annulment, or separate maintenance.

MOTION: Moved by J. Dorsey to oppose the bill because its provisions could easily be manipulated as a tool of abuse by perpetrators of domestic violence. Seconded by P. Graham. Motion carried.

M. Lovik discussed HB5608, which would amend MCL 600.5851 by adding a new tolling provision for tort claims arising from sexual conduct that accrue when the injured party is less than 18 years of age. In these cases, the injured person has the later of 2 years after the effective date of the new provision or 20 years after the disability is removed to file the action, regardless of whether the limitation period has run.

K. Hagenian noted that she had been contacted about proposed amendments to the introduced version of the bill. The board took no position on HB 5608 and requested staff to report back on the proposed amendments at the next meeting.

M. Lovik discussed SB 1068, which would amend MCL 600.5714 to permit landlords to terminate leases and evict tenants on 7 days notice based on threatening or assaultive actions of tenants or persons on the premises under tenants' control.

MOTION: Moved by J. Dorsey that the Board oppose this bill because it could result in housing discrimination against and loss of housing by survivors of domestic violence, sexual assault and stalking. Seconded by P. Graham. Motion carried.

M. Lovik reported on SB1059 and HB5650, which would amend MCL 722.904 to rewrite the standards courts will apply in determining whether to grant a parental consent waiver to an abortion procedure on a minor, and to clarify that the circuit court's decision may only be challenged by way of appeal to the court of appeals, and not by seeking a second determination from a circuit court in another Michigan jurisdiction. SB 1059 was reported without amendment from the Senate Judiciary Committee on March 4, 2008. It was noted that Governor Granholm vetoed a similar bill (HB 4478'03) in a prior legislative session. No position was taken at this time.

M. Lovik reported on HB 5041, which would amend the provision in MCL 750.520c governing sexual contact by a county employee or volunteer with a prisoner or probationer in the county's jurisdiction. No position was taken at this time.

Discussion of new bills introduced since last meeting that staff are monitoring. Assuming activity occurs to move the following bills, staff members will analyze them upon request by Board members.

1. **HB 5557** (Stahl): Exempt from disclosure under the Freedom of Information Act the name and address of a minor victim of child abuse or a sexual offense.
2. **HB 5669** (Constan): Prohibit magistrate from refusing to accept a complaint because it is signed upon information and belief by an individual other than the victim in cases alleging vulnerable adult abuse.
3. **HJR NN** (Stahl): Propose amendment to state constitution stating that parents have a fundamental right to direct the care, education, and upbringing of their children and that no government action

shall burden, abridge or hinder this right unless it furthers a compelling governmental interest and is the least restrictive means of furthering that interest

4. **SB 915** (George): Require proof of citizenship and residency for name change.
5. **SB 962-3** (Sanborn, Stamas): REAL Id implementation - require document verification and license issuance standards for federal recognition.
6. **HB 5761** (Sheen): Amend MCL 552.6 to require allegations of fault in divorce complaints in certain circumstances.
7. **HB 5827** (Wenke): Amend MCL 257.1855 to prohibit school bus driver from picking up or dropping off children within 500 feet of a residence of a sex offender listed on the sex offender registry.
8. **HB 5727** (H-1 substitute) (Meadows): Amend MCL 700.2802, 700.2803, and 700.2804 to specify that an individual convicted of committing abuse, neglect, or exploitation against a decedent would forfeit all benefits with respect to the decedent's estate. In addition, revocable dispositions or appointments of property to the convicted individual would be revoked, and the individual's interests in property as a joint tenant with rights of survivorship would be severed and transformed into tenancies in common. "Abuse, neglect, or exploitation" would be defined to include various specified offenses, including "a criminal act that is an offense involving domestic violence as that term is defined in...MCL 768.27b."

D. Cain presented a letter to Representative Bert Johnson expressing the Board's support for HB 5245, which would add section 28b to Michigan Employment Security Act. The new section would preserve eligibility for unemployment benefits for individuals whose ability to work is impaired by domestic violence.

D. Cain, S. Hankins and David Garvin gave a presentation regarding the Michigan Safe Return Initiative. The Safe Return Initiative (SRI) was created by the U.S. Department of Justice's Office on Violence Against Women to confront the myriad challenges facing African-Americans as previously incarcerated men reunite with their families. SRI provides technical assistance and support to grantees of the Serious and Violent Offender Reentry Initiative, a federal effort that addresses reentry strategies for populations of serious, high-risk offenders. SRI's technical assistance entails community education, training, and on-site assistance to criminal justice professionals and community- and faith-based organizations. Efforts are focused on helping these grantees confront the obstacles that prevent the successful reunification of newly released prisoners and families in their communities, while decreasing the vulnerability of such families to domestic violence. D. Cain outlined conversations that she has had with DHS Chief Deputy S. Stewart regarding the use of Responsible Fatherhood and Healthy Marriage (RFHM) dollars as a source to pilot programming for Michigan's Prisoner re-entry efforts. Additionally, pilots for court-ordered supervised visitation programming (Fathering After Violence) were proposed. Discussions are ensuing. The Board indicated support for staff work on these initiatives.

Herb Tanner from PAAM gave a presentation on a proposal to amend MCL 750.81 and 750.81a. The proposed amendments would: 1) allow imposition of enhanced sentences for repeat offenders based on convictions of domestic assault in jurisdictions outside Michigan and 2) permit sentence enhancement for offenders previously convicted of attempted domestic assault, as well as conspiracy and solicitation to commit domestic violence offenses.

MOTION: Moved by J. Dorsey to support the PAAM proposal. Seconded by C. Cowling. Motion carried.

H. Tanner reviewed the case of *Giles v California* that is currently on appeal before the U.S. Supreme Court, and discussed the amicus briefs that will be filed by the Battered Women's Justice Project and the Domestic Violence Legal Empowerment and Appeals Program.

MOTION: Moved by J. Dorsey that the Board should submit statements of interest in support of both amicus briefs, if possible, and if not to support one of these briefs, preferably the brief submitted by the Domestic Violence Legal Empowerment and Appeals Program. Seconded by P. Graham. Motion carried.

PUBLIC COMMENT:

None.

PROCESS EVALUATION: None.

ADJOURNMENT

The meeting ended at 1:45 p.m.

MOTION: Moved by J. Dorsey to adjourn the meeting. Seconded by C. Cowling. Motion carried.

Respectfully submitted,
Josie Jubb